

Andrew Pysz
d/b/a Timber Chief Forestry
415 East Mountain Road
Newport, NH 03773

Re: Twist Hill Road, Andover
Wetlands Bureau File No. 1999-563

Re: Route 12A, Cornish
Wetlands Bureau File No. 2000-424

**ADMINISTRATIVE FINES
No. AF 99-043 AND
No. AF 01-157**

AGREEMENT ON INSTALLMENT PAYMENTS FOR ADMINISTRATIVE FINES

NOW COME the Department of Environmental Services, Water Division and Andrew Pysz, parties to the above-captioned matter, and stipulate to the following:

I. Parties

1. The Department of Environmental Services, Water Division ("the Division") is an administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH.
2. Andrew Pysz, formerly d/b/a Timber Chief Forestry, is an individual having a mailing address of 415 East Mountain Road, Newport, NH 03773.

II. Summary of Facts and Terms of Agreement

1. RSA 485-A:17 authorizes DES to regulate soil erosion and manage stormwater runoff for forest management projects and projects that disturb more than 100,000 square feet of terrain or 50,000 square feet if within the protected shoreland. Pursuant to this authority, DES has adopted NH Admin. Rules Env-Ws 415.
2. RSA 485-A:22 authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 per offense for violations of RSA 485-A:17, rules adopted under RSA 485-A:17, and permits issued under RSA 485-A:17. Pursuant to RSA 485-A:22, the Commissioner has adopted Env-C 603.02 to establish a schedule of fines for violations of RSA 485-A:22, rules adopted under RSA 485-A:22, and permits issued under RSA 485-A:22.
3. RSA 482-A authorizes DES to regulate dredging, filling, and construction in wetlands and surface waters of the state. RSA 482-A:11, I authorizes DES to adopt rules to implement the wetlands law. Pursuant to this authority, DES has adopted NH Admin. Rules Wt 100-700.

4. RSA 482-A:13 authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 per offense for violations of RSA 482-A, rules adopted under RSA 482-A, and permits issued under RSA 482-A. Pursuant to RSA 482-A:13, the Commissioner has adopted Env-C 614 to establish a schedule of fines for violations of RSA 482-A, rules adopted under RSA 482-A, and permits issued under RSA 482-A.

5. Notices of Proposed Fines were issued in this matter on June 24, 1999 and December 27, 2001. A settlement agreement was signed by Andrew Pysz on July 15, 2004. Per the agreement a payment in the amount of \$2,500 was due on August 15, 2004, and second and final payment of \$2,500 was due on September 15, 2004. Subsequently, Mr. Pysz was incarcerated.

5. Andrew Pysz agrees to pay the total negotiated fine of \$5,000 in 24 equal payments in the amount of \$200.00 due monthly with the first payment due on January 27, 2006, and each subsequent payment will be due in each successive month on the 1st day of the month. Payments will be postmarked or delivered no later than the due date. The New Hampshire statutory interest rate on judgments shall apply to all payments due as of August 15, 2004, pursuant to RSA 336:1. The statutory interest requirement shall be suspended so long as all payments due according to this agreement are paid when due.

6. Andrew Pysz agrees to comply with all rules and regulations administered by DES. Any breach of the terms of the agreement shall result in the entire amount of the fine and applicable interest becoming immediately due and payable.

7. Payments made pursuant to Paragraphs #5 and #6 shall be paid by certified check, **marked "AF 99-043/AF 01-157"** on the check memo, made payable to: "Treasurer, State of New Hampshire" and mailed to:

DES Legal Unit

Attn: Michael Sclafani

P.O. Box 95, Concord, NH 03302-0095

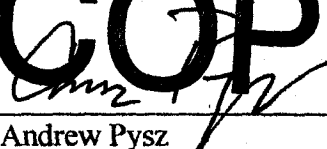
8. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

9. The effective date of this Agreement will be the date on which it is signed by Andrew Pysz and the Director of the Water Division. After that date, this Agreement may be amended only by written agreement signed by both parties.

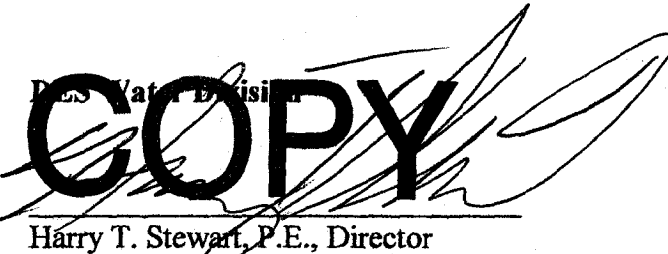
10. No failure by the Division to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

WHEREFORE, the parties voluntarily accept the terms of this Agreement.

1/26/06
Date

COPY

Andrew Pysz

1/30/06
Date

COPY

Harry T. Stewart, P.E., Director

AP